

CENTRAL ADMINISTRATIVE TRIBUNAL  
BENCH AT MUMBAI

ORIGINAL APPLICATION NO. 175 /1994

Date of Decision: 18.11.96

N. Silekar

Petitioner/s

Shri M. Ayyub.

Advocate for the  
Petitioner/s

v/s.

Union of India & 2 Ors.

Respondent/s

Shri F. S. Lambat.

Advocate for the  
Respondent/s

CORAM:

Hon'ble Shri B. S. Hegde, Member (J).

Hon'ble Shri M. R. Kolhatkar, Member (A)

- (1) To be referred to the Reporter or not ?
- (2) Whether it needs to be circulated to other Benches of the Tribunal ?

abp.

M.R.Kolhatkar  
(M. R. KOLHATKAR)  
MEMBER (A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GULESTAN BLDG. NO. 6, PRESCOT RD, 4TH FLOOR.,  
MUMBAI - 400 001.

ORIGINAL APPLICATION NO: 175/94.

W<sup>m</sup> dated this 18<sup>th</sup> DAY OF NOVEMBER, 1996.

CORAM : Hon'ble Shri B.S.Hegde, Member (J).

Hon'ble Shri M.R.Kolhatkar, Member (A).

N.Silekar,  
Office Supdt. Grade-II,  
In Chief TXR Office S.E.Rly,  
Nagpur - 1.

... Applicant.

By Advocate Shri M.Ayyub.

v/s.

The Union of India Through:-

1. The Secretary,  
Ministry of Railways, Rail Bhavan,  
Railway Board, Rafi Marg,  
NEW DELHI - 110 001.
2. The General Manager,  
South Eastern Railway,  
Garden Reach,  
CALCUTTA - 700 043.
3. The Divisional Railway Manager,  
South Eastern Railway,  
Kingsway,  
NAGPUR - 440 001.

... Respondents.

By Advocate Shri P.S.Lambat.

X O R D E R X

X Per Shri M. R. Kolhatkar, Member (A) X

In this OA, the applicant has sought stepping up of his pay with reference to his juniors. Although this is a single Bench matter, it was heard by Division Bench as, a sister case namely OA-465/93 was linked up with this OA. We <sup>have</sup> disposed of <sup>the</sup> OA by <sup>a</sup> separate order.

2. The grievance of the applicant is that while <sup>he</sup> was working as material checker he was arbitrarily reverted

vide order dated 7/8/75 which order of reversion was challenged by him in the High Court and the same was sent aside. Thereafter, the applicant was given Proforma seniority as Junior Clerk w.e.f. 5/12/74 and subsequent promotions as Senior Clerk and Head Clerk.

3. The applicant has stated that his pay was fixed at Rs.1650/- as in August, 93, but his juniors are having their Basic Pay as Rs.1800/-; for example Kum. Shobhna Gosavi and Shri N.G. Shendewale.

4. Respondents have conceded that the applicant was given the benefit of notional seniority as stated by him but since his seniority has been challenged by Shri N.G. Shindewale in OA-465/93 hence no decision for stepping up of pay was taken by respondents. The respondents have further stated that the claim of the applicant for payment of arrears arising out of stepping up of pay would be time barred.

5. Since the challenge to the seniority of the applicant raised in OA-465/93 has failed vide our order of today disposing of the OA we are of the view that the OA must succeed. So far as the arrears are concerned, the limitation would apply thereto. OA has been filed on 3/2/94 and therefore the notional pay fixation of applicant with reference to applicant's immediate junior should be done from 1/12/74 but the actual payment to the applicant should be confined to one year prior to the date of filing of the OA namely 2/2/93. The pay fixation and payment of arrears with reference to the immediate junior should be made to the applicant within 3 months of the date of communication of the order.

6. The OA is therefore disposed of ~~at~~these terms with no orders as to costs.

M.R.Kolhatkar  
(M.R. KOLHATKAR)  
MEMBER (A)

abp.

B.S.Hegde  
(B. S. HEGDE)  
MEMBER (J)